

# JOSEPH & KIRSCHENBAUM LLP

Attorneys at Law

Charles Joseph  
D. Maimon Kirschenbaum  
Denise Schulman  
Josef Nussbaum  
Lucas Buzzard

32 Broadway, Suite 601  
New York, NY 10004  
Phone (212) 688-5640  
Fax (212) 688-2548  
[www.jk-llp.com](http://www.jk-llp.com)

May 17, 2018

**VIA ECF**

Hon. Jesse M. Furman, U.S.D.J.  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *Argudo et al v. Parea Group LLC, et al* 18 CV 0678 (JMF)**

Dear Judge Furman,

We represent Plaintiffs Henry Agudo, Diego Sanay and Opt-in Plaintiffs (collectively, “Plaintiffs”) in the above-referenced matter. We write, on behalf of Plaintiffs and Defendants IMNY GS LLC, GFB Restaurant Corp., Wonderful Restaurant LLC, K.G. IM Management, LLC, Brian Galligan and Gerald Katzoff (the “Answering Defendants”), to jointly inform the Court that Plaintiffs and the Answering Defendants have reached an agreement on the scope of the Answering Defendants’ class-wide discovery responses.

On April 30, 2018, Plaintiffs served discovery requests seeking the production of documents and responses to interrogatories from all Defendants in this Action. The discovery requests sought information on behalf of all potential class members, *i.e.*, all food-service employees who worked in a tipped position at any Il Mulino located in New York City (“NYC Il Mulino”) during the liability period, (“potential class members”).

On May 3, 2018, representatives of all Parties in this Action appeared for an Initial Conference before Your Honor. At the Conference, the Court temporarily stayed discovery with respect to Defendant Parea Group LLC pending the outcome of their motion to be dismissed as a Defendant in this Action. The Court also Ordered Plaintiffs and the Answering Defendants, which are four corporations that own four separate NYC Il Mulino establishments and their individual owners, to confer and discuss the scope of class-wide discovery for all the restaurants.

The Parties conferred and, in the interest of keeping discovery costs down, agreed that the Answering Defendants will produce the following sample class-wide documents by May 30, 2018:

- (1) Personnel files for all named and opt-in Plaintiffs;
- (2) Any and all wage rate forms, statements and/or notices in Defendants' possession custody and/or control that Defendants provided to potential class members during the limitations period and that Defendants believe establishes their compliance with N. Y. Lab. Law §195(1), N. Y. Lab. Law §195(3), and/or New York Codes Rules and Regulations ("NYCRR"), tit. 12 § 146-1.3;
- (3) A list with all putative class members and their dates of employment at all NYC II Mulino since January 1, 2015. (Defendants will provide this list in Microsoft Excel format to the extent it is available or of it can be reasonably created);
- (4) Any and all versions of employee handbooks that have been in use at all NYC II Mulino's since 2011;
- (5) Any and all class-wide payroll information for the entire front of the house food-service staff for all four NYC II Mulinos for six sample payroll cycles that are in Defendants' possession custody and/or control (comprising the second of weeks of June 2012, June 2014 and June 2016 and the second weeks of December 2013, 2015, and 2017). This class-wide payroll information payroll document will include, but not be limited to, the following documents for each of the 6 sample weeks:
  - a. Any and all schedules;
  - b. Any and all tip sheets;
  - c. Any and all time records (if there is more than one version of these documents, or if the documents have been adjusted electronically, all versions of the documents);
  - d. Any and all wage statements;
  - e. Any and all payroll registers; and
  - f. Any and all other payroll documents Il Mulino used to run payroll.

The Answering Defendants also agree to provide full responses to requests Plaintiffs served on behalf of the Named Plaintiffs and Opt-in Plaintiffs.

We thank the Court for its attention to this matter.

Respectfully submitted,

**JOSEPH & KIRSCHENBAUM LLP**

s/*Josef Nussbaum*  
D. Maimon Kirschenbaum  
Josef Nussbaum  
32 Broadway, Suite 601 New York, NY 10004  
(212) 688-5640